

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 1, 2, 9-12, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,766,184 to Matsuno, et al., (hereinafter "Matsuno"). Additionally, the Examiner rejects claims 5 and 6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0133178 to Muramatsu, et al., (hereinafter "Muramatsu"). Furthermore, the Examiner rejects claims 3, 4, 7, 8, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Matsuno in view of Muramatsu. Still further, the Examiner rejects claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Matsuno in view of U.S. Patent Application Publication No. 2002/0177861 to Sugiyama, et al., (hereinafter "Sugiyama"). Lastly, the Examiner rejects claims 18-22 under 35 U.S.C. § 103(a) as being unpatentable over Matsuno in view of U.S. Patent Application Publication No. 2002/0026201 to Foerster (hereinafter "Foerster").

In response, claims 1-3, 9-12, 14-16 and 18-22 have been canceled, thereby rendering the rejection thereof moot. Applicants further submit that claims 4-8, 13 and 17 were previously canceled in the Response filed on March 5, 2007. Thus, claims 1-22 have been canceled. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1-22 under 35 U.S.C. §§ 102(b) and 103(a).

However, new claims 23-35 have been added to further define the patentable invention. New claims 23-35 are fully supported in the original disclosure particularly in the fifth and seventh embodiments and at Figures 14, 15, 20 and 21 of the Drawings. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 23-35.

According to new independent claims 23, 29 and 35, a looped flexible wire (e.g., 27c, 33) of a predetermined length is provided between the clip and flexible wire 34, and with this structure, the looped flexible wire is flexed to follow the flexion of the flexible insertion tube (e.g., 5). Therefore, an advantage of the present invention can be further promoted. Further, in new claims 23, 29 and 35, the clip is deformed and not separated from the flexible wire, the mechanical strength of the clip need not be taken into consideration.

Neither Matumoto nor Muramatsu disclose or suggest such features.

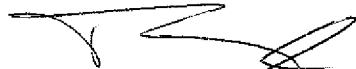
For example, according to Matumoto, the clip unit 2 is connected directly to the operating wire 33 by means of the coupling plate 37 formed by a thin band plate and the hook 30, as already described. Thus, members as the coupling plate 37 and hook 30 cannot be bent to follow the flexion of the operating tube 28. Here, it appears that the Examiner has misunderstood this point. The coupling plate 37 may be bent in its thickness direction (which is the vertical direction in FIG. 1B), it cannot be bent in its width direction (which is the horizontal direction in FIG. 1B).

On the other hand, Muramatsu discloses a loop wire 4a, which is similar to the looped flexible wire (e.g., 27c, 33) disclosed in the present application. However, in Muramatsu, the separation of the hook 3f is not by the cuffing of the loop wire 4a, but the deformation of the hook 3f. (See Muramatsu, page 4, paragraph [0107].)

Applicants respectfully submit that new independent claims 23, 29 and 35 patentably distinguish over the prior art for at least the reasons set forth above and are allowable and that claims 24-28 and 30-34 are at least allowable as being dependent therefrom.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas Spinelli', with a stylized flourish extending from the end.

Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser PC
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm